

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Dennis McCrea, #150222,)	C.A. No. 9:05-945-TLW-GCK
)	
Plaintiff,)	
)	
-versus-)	ORDER
)	
Tom Fox, Director, Horry County Detention)	
Center; and Phillip E. Thompson, Sheriff, Horry)	
County;)	
)	
Defendants.)	
)	

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge George C. Kosko, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). (Doc. # 5). In his Report, Magistrate Judge McCrorey recommends that the defendant’s motion to dismiss be granted. Magistrate Judge Kosko further recommends that this cause of action be deemed a “strike” for purposes of the “three strikes” rule of 28 U.S.C. § 1915(g).

The Report was filed on October 19, 2005, and mailed to the only address provided by plaintiff and on file with the clerk’s office. The Report was returned as undeliverable. The plaintiff was advised by Order issued April 4, 2005 that he was ordered to always keep the Clerk of Court advised in writing, if his address changes for any reason. Despite this, plaintiff has never provided any change of address to the Clerk of Court. The Clerk’s office, out of an abundance of caution, did attempt to resend the Report to the address then listed for plaintiff on the South Carolina Department of Corrections website, which was different from the address originally provided by plaintiff. This

report was not returned. However, plaintiff has filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 33), and defendant's motion to dismissed is hereby **GRANTED**. Additionally, the Report recommends that dismissal of this case be deemed a "strike" pursuant to 28 U.S.C. § 1915(g). Again, the plaintiff did not object to the dismissal being deemed a strike. Without objection, the dismissal is deemed a strike.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

February 1, 2006
Florence, South Carolina